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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,110	05/30/2000	Thomas F. Mitts	00-142-US	1492

7590 12/10/2002

RAYMOND A. MILLER, ESQ.
BENESCH, FRIEDLANDER, COPLAN & ARONOFF, LLP
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CLEVELAND, OH 44114-2378

EXAMINER
SHEINBERG, MONIKA B

ART UNIT	PAPER NUMBER
1634	

DATE MAILED: 12/10/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER
	14

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Sequence Compliance

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). It is acknowledged that there is a Sequence Listing in computer readable format. Unfortunately, this application fails to comply with the requirements of 37 CFR § 1.821 through 1.825 because the reasons listed in the attached "Raw Sequence Listing Error Report". Thus, it is requested that the applicant send in another copy of the computer readable format. Please provide another statement as per 37 CFR § 1.821 (f) stating that the Paper Listing and the computer readable format are the same. Applicant is required to complete the response within a time limit of one month from the date of this letter or as extended as follows. AN EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR § 1.136 (a) OR (b) UP TO A MAXIMUM OF SIX MONTHS.

In addition, please note that claim 5 appears to be incomplete due to typographical errors. Applicant is requested to correct claim 5 to be in complete format.

Inquiries

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR § 1.6(d)). The CM1 Fax Center number is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monika B. Sheinberg, whose telephone number is (703) 306-0511. The examiner can normally be reached on Monday-Friday from 1 P.M to 8 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (703) 308-1152.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Patent Analyst, Chantae Dessau, whose telephone number is (703) 605-1237, or to the Technical Center receptionist whose telephone number is (703) 308-0196.

November 20, 2002
Monika B. Sheinberg
MBS

W. Gary Jones
Supervisory Patent Examiner
Technology Center 1600

NOTICE TO COMPLY WIT[redacted] SEQUENCE RULES	Application No. 09/580110	Applicant(s) [redacted]ts et al.	
	Examiner Monika Sheinberg	Art Unit 1634	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reasons:

☒ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

☐ 4. A copy of the "Sequence Listing in computer readable form has been submitted. However the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked up "Raw Sequence Listing".

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable. A Substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).

☒ 7. Other: Please see the attached "Raw Sequence Listing Error Report"

Applicant must provide:

☐ An initial or ☐ A substitute computer readable form copy of the Sequence Listing.

☐ An initial or ☐ A Substitute paper copy of the Sequence Listing as well as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same, and, where applicable, include no new matter, as required by 37 CFR 1.821(e), (f), or (g) or 1.825(b) or (d).

FOR QUESTIONS PLEASE CONTACT:

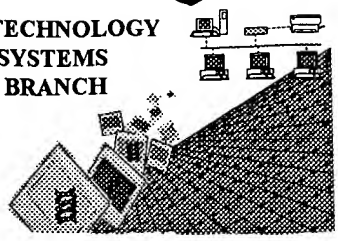
Rules Interpretation (703) 308-4216
CRF Submission Help (703) 308 4212
PatentIn software help (703) 308 6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

Sarah Taylor

1654

BIOTECHNOLOGY SYSTEMS BRANCH



RECEIVED
OCT 3 0 2002
TECH CENTER 1600/2900

RAW SEQUENCE LISTING ERROR REPORT

#13
CD
11/13/02

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/580,110D
Source: 1600 Rush
Date Processed by STIC: 10/24/2002

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

1) **INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
2) **TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.
PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)
PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO **REDUCE** ERRORED SEQUENCE LISTINGS, **PLEASE** USE THE **CHECKER VERSION 3.1 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:
http://www.uspto.gov/web/offices/pac/checker

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.
Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.
Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (**<http://www.uspto.gov/ebc/efs/downloads/documents.htm>, EFS Submission User Manual** - ePAVE)
2. **U.S. Postal Service:** U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. **Hand Carry directly to:**
   U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
   Or
   U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. **Federal Express, United Parcel Service, or other delivery service to:** U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

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OCT 3 0 2002
TECH CENTER 1600/2900

Raw Sequence Listing Error Summary

ERROR DETECTED	SUGGESTED CORRECTION	SERIAL NUMBER: 09/580,1100

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

1	Wrapped Nucleics Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
2	Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.
3	Misaligned Amino Numbering	The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
4	Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
5	Variable Length	Sequence(s)____contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
6	PatentIn 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
7	Skipped Sequences (OLD RULES)	Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading) (xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
8	Skipped Sequences (NEW RULES)	Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000
9	Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
10	Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
11	Use of <220>	Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
12	PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
13	Misuse of n	n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.

J. Taylor

1600

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/580,110D

DATE: 10/24/2002
TIME: 13:19:15

Input Set : A:\09-580110.txt
Output Set: N:\CRF4\10242002\I580110D.raw

invalid (global error) see item 10 on Error Summary Sheet

Does Not Comply
Corrected Diskette Needed

pg 1-6

```
 3 <110> APPLICANT: MITTS, THOMAS F.
 4       SANDBERG, LAWRENCE B.
 6 <120> TITLE OF INVENTION: ELASTIN PEPTIDE ANALOGS AND USES OF SAME IN COMBINATION
 7       WITH SKIN ENHANCING AGENTS
 9 <130> FILE REFERENCE: 00-142-US
11 <140> CURRENT APPLICATION NUMBER: 09/580,110D
12 <141> CURRENT FILING DATE: 2000-05-30
14 <160> NUMBER OF SEQ ID NOS: 75
16 <170> SOFTWARE: PatentIn Ver. 2.1
18 <210> SEQ ID NO: 1
19 <211> LENGTH: 3
20 <212> TYPE: PRT
21 <213> ORGANISM: mammalian
23 <400> SEQUENCE: 1
24 Ala Val Gly
25   1
28 <210> SEQ ID NO: 2
29 <211> LENGTH: 4
30 <212> TYPE: PRT
31 <213> ORGANISM: mammalian
33 <400> SEQUENCE: 2
34 Val Gly Ala Gly
35   1
38 <210> SEQ ID NO: 3
39 <211> LENGTH: 3
40 <212> TYPE: PRT
41 <213> ORGANISM: mammalian
43 <400> SEQUENCE: 3
44 Ile Gly Gly
45   1
48 <210> SEQ ID NO: 4
49 <211> LENGTH: 2
50 <212> TYPE: PRT
51 <213> ORGANISM: mammalian
53 <400> SEQUENCE: 4
54 Leu Gly
55   1
58 <210> SEQ ID NO: 5
59 <211> LENGTH: 4
60 <212> TYPE: PRT
61 <213> ORGANISM: mammalian
63 <400> SEQUENCE: 5
64 Ile Gly Ala Gly
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RAW SEQUENCE LISTING DATE: 10/24/2002
PATENT APPLICATION: US/09/580,110D TIME: 13:19:15

Input Set : A:\09-580110.txt
Output Set: N:\CRF4\10242002\I580110D.raw

65 1
68 <210> SEQ ID NO: 6
69 <211> LENGTH: 3
70 <212> TYPE: PRT
71 <213> ORGANISM: mammalian
73 <400> SEQUENCE: 6
74 Leu Gly Gly
75 1
78 <210> SEQ ID NO: 7
79 <211> LENGTH: 4
80 <212> TYPE: PRT
81 <213> ORGANISM: mammalian
83 <400> SEQUENCE: 7
84 Val Ala Pro Gly
85 1
88 <210> SEQ ID NO: 8
89 <211> LENGTH: 4
90 <212> TYPE: PRT
91 <213> ORGANISM: mammalian
93 <400> SEQUENCE: 8
94 Leu Gly Pro Gly
95 1
98 <210> SEQ ID NO: 9
99 <211> LENGTH: 4
100 <212> TYPE: PRT
101 <213> ORGANISM: mammalian
103 <400> SEQUENCE: 9
104 Leu Gly Ala Gly
105 1
108 <210> SEQ ID NO: 10
109 <211> LENGTH: 4
110 <212> TYPE: PRT
111 <213> ORGANISM: mammalian
113 <400> SEQUENCE: 10
114 Val Gly Pro Gly
115 1
118 <210> SEQ ID NO: 11
119 <211> LENGTH: 4
120 <212> TYPE: PRT
121 <213> ORGANISM: mammalian
123 <400> SEQUENCE: 11
124 Phe Gly Pro Gly
125 1
128 <210> SEQ ID NO: 12
129 <211> LENGTH: 4
130 <212> TYPE: PRT
131 <213> ORGANISM: mammalian
133 <400> SEQUENCE: 12
134 Val Gly Pro Gln

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/580,110D

DATE: 10/24/2002
TIME: 13:19:15

Input Set : A:\09-580110.txt
Output Set: N:\CRF4\10242002\I580110D.raw

```
135   1
138 <210> SEQ ID NO: 13
139 <211> LENGTH: 3
140 <212> TYPE: PRT
141 <213> ORGANISM: mammalian
143 <400> SEQUENCE: 13
144 Leu Gly Ala
145   1
148 <210> SEQ ID NO: 14
149 <211> LENGTH: 4
150 <212> TYPE: PRT
151 <213> ORGANISM: mammalian
153 <400> SEQUENCE: 14
154 Val Gly Pro Ala
155   1
158 <210> SEQ ID NO: 15
159 <211> LENGTH: 4
160 <212> TYPE: PRT
161 <213> ORGANISM: mammalian
163 <400> SEQUENCE: 15
164 Val Val Pro Gly
165   1
168 <210> SEQ ID NO: 16
169 <211> LENGTH: 4
170 <212> TYPE: PRT
171 <213> ORGANISM: mammalian
173 <400> SEQUENCE: 16
174 Ala Val Pro Gly
175   1
178 <210> SEQ ID NO: 17
179 <211> LENGTH: 4
180 <212> TYPE: PRT
181 <213> ORGANISM: mammalian
183 <400> SEQUENCE: 17
184 Val Val Pro Gln
185   1
188 <210> SEQ ID NO: 18
189 <211> LENGTH: 6
190 <212> TYPE: PRT
191 <213> ORGANISM: mammalian
193 <400> SEQUENCE: 18
194 Val Ala Ala Arg Pro Gly
195   1               5
198 <210> SEQ ID NO: 19
199 <211> LENGTH: 7
200 <212> TYPE: PRT
201 <213> ORGANISM: mammalian
203 <400> SEQUENCE: 19
204 Leu Gly Ala Gly Gly Ala Gly
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RAW SEQUENCE LISTING DATE: 10/24/2002
PATENT APPLICATION: US/09/580,110D TIME: 13:19:15

Input Set : A:\09-580110.txt
Output Set: N:\CRF4\10242002\I580110D.raw

205 1 5
208 <210> SEQ ID NO: 20
209 <211> LENGTH: 4
210 <212> TYPE: PRT
211 <213> ORGANISM: mammalian
213 <400> SEQUENCE: 20
214 Ala Ile Pro Gly
215 1
218 <210> SEQ ID NO: 21
219 <211> LENGTH: 5
220 <212> TYPE: PRT
221 <213> ORGANISM: mammalian
223 <400> SEQUENCE: 21
224 Leu Gly Pro Gly Gly
225 1 5
228 <210> SEQ ID NO: 22
229 <211> LENGTH: 5
230 <212> TYPE: PRT
231 <213> ORGANISM: mammalian
233 <400> SEQUENCE: 22
234 Ala Ala Ala Gln Ala
235 1 5
238 <210> SEQ ID NO: 23
239 <211> LENGTH: 5
240 <212> TYPE: PRT
241 <213> ORGANISM: mammalian
243 <220> FEATURE:
244 <221> NAME/KEY: MOD_RES
245 <222> LOCATION: (4)
247 <400> SEQUENCE: 23
W--> 248 Val Gly Val Xaa Gly
249 1 5
252 <210> SEQ ID NO: 24
253 <211> LENGTH: 5
254 <212> TYPE: PRT
255 <213> ORGANISM: mammalian
257 <400> SEQUENCE: 24
258 Val Tyr Pro Gly Gly
259 1 5
262 <210> SEQ ID NO: 25
263 <211> LENGTH: 6
264 <212> TYPE: PRT
265 <213> ORGANISM: mammalian
267 <400> SEQUENCE: 25
268 Ile Gly Gly Val Gly Gly
269 1 5
272 <210> SEQ ID NO: 26
273 <211> LENGTH: 6
274 <212> TYPE: PRT

>(223) give explanation of Xaa (see p. 6) for explanation

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/580,110D

DATE: 10/24/2002
TIME: 13:19:15

Input Set : A:\09-580110.txt
Output Set: N:\CRF4\10242002\I580110D.raw

275 <213> ORGANISM: mammalian
277 <400> SEQUENCE: 26
278 Val Ala Pro Gly Val Gly
279 1 5
282 <210> SEQ ID NO: 27
283 <211> LENGTH: 5
284 <212> TYPE: PRT
285 <213> ORGANISM: mammalian
287 <400> SEQUENCE: 27
288 Leu Gly Val Gly Gly
289 1 5
292 <210> SEQ ID NO: 28
293 <211> LENGTH: 4
294 <212> TYPE: PRT
295 <213> ORGANISM: mammalian
297 <400> SEQUENCE: 28
298 Leu Val Pro Gly
299 1
302 <210> SEQ ID NO: 29
303 <211> LENGTH: 5
304 <212> TYPE: PRT
305 <213> ORGANISM: mammalian
307 <400> SEQUENCE: 29
308 Phe Arg Ala Ala Ala
309 1 5
312 <210> SEQ ID NO: 30
313 <211> LENGTH: 6
314 <212> TYPE: PRT
315 <213> ORGANISM: mammalian
317 <400> SEQUENCE: 30
318 Val Gly Gly Val Pro Gly
319 1 5
322 <210> SEQ ID NO: 31
323 <211> LENGTH: 5
324 <212> TYPE: PRT
325 <213> ORGANISM: mammalian
327 <400> SEQUENCE: 31
328 Phe Gly Pro Gly Gly
329 1 5
332 <210> SEQ ID NO: 32
333 <211> LENGTH: 5
334 <212> TYPE: PRT
335 <213> ORGANISM: mammalian
337 <400> SEQUENCE: 32
338 Val Gly Val Pro Gly
339 1 5
342 <210> SEQ ID NO: 33
343 <211> LENGTH: 6
344 <212> TYPE: PRT

RAW SEQUENCE LISTING ERROR SUMMARY DATE: 10/24/2002
PATENT APPLICATION: US/09/580,110D TIME: 13:19:16

Input Set : A:\09-580110.txt
Output Set: N:\CRF4\10242002\I580110D.raw

Please Note:
Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

Seq#:23; Xaa Pos. 4
Seq#:34; Xaa Pos. 4

VERIFICATION SUMMARY DATE: 10/24/2002
PATENT APPLICATION: **US/09/580,110D** TIME: 13:19:16

Input Set : **A:\09-580110.txt**
Output Set: **N:\CRF4\10242002\I580110D.raw**

L:248 M:258 W: Mandatory Feature missing, <223> Tag not found for SEQ ID#:23
L:248 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:23 after pos.:0
L:362 M:258 W: Mandatory Feature missing, <223> Tag not found for SEQ ID#:34
L:362 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:34 after pos.:0